

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNION PACIFIC RAILROAD COMPANY,  
11 Plaintiff(s),  
12 v.  
13 ADVANCE POLYBAG (NEVADA), INC.,  
14 Defendant(s).  
15

)  
) Case No. 2:17-cv-02077-RFB-NJK  
) ORDER  
) (Docket No. 32)  
)  
)  
)

16 Pending before the Court is Plaintiff's emergency motion for protective order regarding a  
17 deposition scheduled for April 6, 2018. Docket No. 32. The gist of the dispute is that one of Plaintiff's  
18 deponents is unavailable on the noticed date because of previously-scheduled vacation leave, and  
19 counsel have been unable to find a mutually agreeable alternative date. The Court begins by reminding  
20 counsel that "[d]iscovery is supposed to proceed with minimal involvement of the Court." *F.D.I.C. v.*  
21 *Butcher*, 116 F.R.D. 196, 203 (E.D. Tenn. 1986). Counsel should strive to be cooperative, practical and  
22 sensible, and should seek judicial intervention only in extraordinary situations that implicate truly  
23 significant interests. *Cardoza v. Bloomin' Brands, Inc.*, 141 F. Supp. 3d 1137, 1145 (D. Nev. 2015)  
24 (quoting *In re Convergent Techs. Securities Litig.*, 108 F.R.D. 328, 331 (N.D. Cal. 1985)). Had these  
25 principles been followed, the parties should have been able to agree on an alternative deposition date  
26 without resorting to Court intervention. The Court expects better cooperation moving forward.

27 Turning to the merits of the motion, courts may issue protective orders to avoid annoyance,  
28 embarrassment, oppression, or undue burden. Fed. R. Civ. P. 26(c). Here, Plaintiff's counsel indicated

1 to Defendant's counsel on March 22, 2018, that one of the deponents is not available on the noticed date.  
2 *See* Docket No. 32-1 at ¶ 5 (declaration of counsel); *see also* Docket No. 32-6 (declaration of deponent).  
3 Given the circumstances, the Court **GRANTS** the emergency motion for protective order and  
4 **VACATES** the deposition scheduled for April 6, 2018.

5 Counsel shall confer on a mutually agreeable alternative deposition date. To better facilitate the  
6 rescheduling of the deposition, the Court **EXTENDS** the discovery cutoff for purposes of this deposition  
7 only to April 26, 2018. All other deadlines in the scheduling order remain unchanged.

8 IT IS SO ORDERED.

9 DATED: April 5, 2018

10  
11   
12 \_\_\_\_\_  
13 NANCY J. KOPPE  
14 United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28